"A" Collection

App. F. IX-4

1935.
(Lyis)

File No. 77
Serial Nos.

Previous References
Lyis 47-24 Vols
n. 19-34-1.

Letter References
Lyis 8-38-1.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two only.

Part ~~B~~ A for March 937.

SUBJECT.

Publication of a Bill to remove certain disab
arising from change of religion or depr
of caste, in order to elicit opinion.

H(1) To Compiler, Enclr.
Vol. p. 694, of 21.4.36
re. Hindu ~~Bill~~ Bill General in nature

WD 0205—GPB—22,500—18-8-37

For Disposal by Circulation. No. C. 18

..... 193 6-3

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

OFFICE OF THE
SECOND MEMBER OF COUNCIL.
15 AUG. 1936
NO. 1157

Subject

Bill for the removal of Religious and Caste disabilities.

Circulated to the Members of Council.

By Order,

15th August 1936 Offg. Chief *Secretary to Government.*

First Member of Council. (Leem)

Second Member of Council. NM 15/8/36 MS 17/8 (Under Secy) 17/8/36

DEWAN'S MINUTE.

FILE No. 193

Re Christian Prohibition Bill

There was an idea some years ago of passing such a measure. May I see the ——— pay I feel Mr Irwin has come for reconsidering the attitude of the State in this matter

J.S
23-8-35.

C. Secy)

2) U. Secy. Pl. take out a note with connected papers
26-8-35
26/8/35

3) In February 1934 an exhaustive note on the 'Disabilities of Christian converts' in Mysore was prepared and the same is herewith put up for kind perusal with references.

Mysore 27/8

4) A note in regard to the existing flags prepared by me

DEWAN'S OFFICE
29 AUG. 1935
No.

CHIEF SECRETARY'S
30 AUG. 1935

5) Chief Secretary) This may be forwarded at a C. matter
Dewan) 29-8-35 27/8 2d

(For Disposal at a Meeting)

No. C. 56

1935

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT

(clause 11 of the schedule)

Question of undertaking legislation for removal of disabilities of Christian Converts.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

30th August 1935.

Chief Secretary to Government.

1613/31/8 **First Member of Council.** 31.8.35

3 C 6.9. **Second Member of Council.**

Extract from the Proceedings of the 940th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 19th September 1935. *19*

10. Subject. - Clause iii of the schedule.

Question of undertaking legislation for removal of disabilities of Christian converts.

OPINION OF THE COUNCIL.

6/ **In view of the impending retrocession of the Civil and Military Station to Mysore State, it appears desirable to reconsider the attitude of Government in regard to this matter. Public opinion may be unofficially consulted to see how far it is prepared to support the removal of the disability.**

(Sd.) MIRZA M. ISMAIL,
DEWAN OF MYSORE.

Removal of disabilities of Christian Converts -my

[App. F. III

General and Revenue Secretariat.

File No. of 193

7) Snobs with a D. S. N as an

Ann 24/9

8) D. S. N submitted

Chief Secretary)

Submitted to His Highness.

9) Under the Hindu Law a person on conversion to Christianity is considered civilly dead and he loses his rights of inheritance in the family to which he belonged. In order to remove this disability, Act. XXI of 1850 (Freedom of Religion Act) was passed in British India. Indian Christian converts in Mysore, however, continue to be legally incapable of asserting their rights to property against the Hindu members of the family from they have separated. The question of the extension of Act XXI of 1850 to Mysore was raised in pre-reformation days, but the Government of India did not accede to the request as public opinion did not appear to be in its favour. In 1911, a Bill was brought before the Legislative Council but leave was not granted. In 1922, when a deputation urged the introduction of the measure, the Dewan replied that the Government would have no objection to examine the question afresh if public sentiment had undergone a change, and it was ordered that the question might lie over till a fresh representation was made.

In view of the impending political changes, I felt that the time had come for reconsidering the attitude of the State in this matter. The question was considered in Council and the opinion of the Council is as follows:-

"In view of the impending retrocession of the Civil and Military Station to Mysore State, it appears desirable to reconsider the attitude of Government in regard to this matter. Public opinion may be unofficially consulted to see how far it is prepared to support the removal of the disability."

(6) The papers are submitted to His Highness for gracious perusal and approval of the action proposed to be taken in the matter.

Mirza M. Ismail

Bangalore, DEWAN.

26th September 1935.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Question of undertaking legislation for removal of disabilities of Christian converts.

SUBJECT:- Question of undertaking legislation to removal of disabilities of Christian Converts

---

returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

17 Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

..... Department.

2494 1/10

FIRST MEMBER OF COUNCIL. 1/10

205-1 1/10

SECOND MEMBER OF COUNCIL. 1/10

...oval of Chairmen's Committee

General and Revenue Secretariat	File No.	of 193	[App. F. III—S

erial No.

13) For orders regarding the manner in which public opinion may be consulted in the matter

Chief Secretary)

6
4/10/85

Secretary)

Dy C

14) I have been consulting some prominent persons ... may also secure their in favour of our proposal.
I think in short go ahead with it. Now. When can I see an draft of the Hindu Orphanage Bill

Secretary

6-10-85

Secretary

6

7/10/85

15)
The draft of a Bill to remove certain disabilities arising from Change of religion or loss of caste prepared in 1901. is at Flag A.

If approved this may be adopted

Those type drafts ...
and a typed copy
Also put up draft instructions re the
Caste Disabilities Removal Act

CL
27/1/26

Subs. with two drafts issued
one on the basis of the Act,
of 1901 & alternative a copy
sections of the British Act
Act & draft Bill of
Queen's Reasons is also

Serial No.

(7) A draft bill for the removal of certain disabilities arising from change of religion or deprivation of caste is submitted for consideration. In 1905 th Government appointed a committee under the Chairmanshi of Chief Justice Staley for consideration of the quest and drafting a bill. The committee submitted a draft bill to the Government. In 1910, leave to introduce this bill was sought from the Legislative Council, but the motion was rejected. The draft put up now is the same as that prepared by the Staley Committee.

It is slightly different from the British Indian Act (XXI of 1850). In the bill some of the inconveniences and defects found in the British Indian Act have been avoided. The Staley Committee observ as follows in regard to the bill:

> " As will be seen, the broad principle of the proposed regulation is that which has been adopted by the Legislature for British India, that religious laws should not operate to deprive persons of the rights which they possess but for those laws. We think, however, we have avoided the inconvenienc and injustice which might operate by the too genera application of this principle by exempting from the operation of the Regulation rights peculiar or only appropriate to a religion or caste; by protecting persons such as wives or minors who might otherwise be helpless from being forced to acts or to suffer acts inconsistent with the religion or caste in which they were born; by saving persons voluntarily renouncing their caste rules to lead a holy life from being vested by the Regulation with rights which by the law applicable to them they have renounced, and by saving so far as practicable th

WD 03504—GBB—30,000—12-7-35

the right of adoption to a Hindu whose son has become a Christian. It would probably be held that by the saving of the Regulation in this last respect, a Hindu father whose son has become a Christian can adopt a son t succeed the adopted father's separated propert

atement of Objects and Reasons is also appended.

DEWAN'S OFFICE
25 MAR. 1936
No. 5812

ref Jan 1

31/1/1936

(Secretary to Dewan)

31.1.36

(1) I have carefully examined the draft post bill put. It closely follows the bill prepared by the Staley Committee placed before the Legislative Council which however refused leave to introduce it.

(2) This bill is slightly diff. from the British Indian Act which it has only one Section. The draft bill while preserving this central feature provides some saving clauses also. These seem reasonable & may be adopted.

(3) The bill may be first published elicit public opinion as was done in some cases & then brought up before the Legislative Council

12/9

Serial No.

23 Subd - with a draft for

Sd
1/4/36

23 Revised draft Subd

Sd
4/4 24 For personal Confn with Chief Secy

Sd
4/4/36

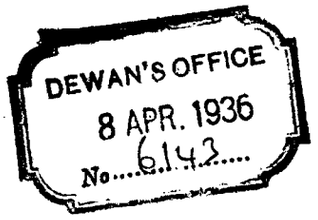
~~I consider that in view of the previous posting of the~~

To be circulated
Sd
CHIEF SECRETARY.
APR. 1936

For Disposal by Circulation. No. C. 246

9 1935-36.

GENERAL AND REVENUE SECRETARIAT.



Council Matter.

Subject

75) Publication of a Bill to remove certain disabilities arising from change of religion or deprivation of caste, in order to elicit opinion.

(a) 74) *Circulated to the Members of Council.*

By Order,

6th April 1936 *Cheif Secretary to Government.*

First Member of Council. (Seen)

7716/6/4 **Second Member of Council.** Seen 6/4/36

7366/74 for favour of Final Note I member) 7.4.36

Final Note signed by Hon'ble member is put up

S. N. subd.

Dewan)

6/4/36 8.4.36

Final Note by the First Member of Council.

Subject:—

Publication of a Bill to remove certain disabilities arising from change of religion or deprivation of caste, in order to elicit opinion.

25) His Highness' gracious approval was accorded in September 1935 for taking up again the question of legislation for the removal of disabilities of Christian converts, and for eliciting public opinion to see how far it is prepared to support the removal of the disability. A draft bill has accordingly been prepared, closely following the bill submitted by th Staley Committee in 1905, and placed before the Legislative Council in 1910, which however refused leave to introduce it.

26) The Bill is slightly different from the British Indian Act, which has only one Section. The draft Bill, wh preserving this central feature, provides for some saving cl also. It is proposed to publish the Bill for eliciting pub opinion, and then place it before the Representative Assembl and the Legislative Council.

27) Gracious sanction of His Highness is now solicited to this proposal, which has been agreed to by the Dewan and Second Member of Council.

[illegible]

MEMBER OF COUNCIL.

Bangalore,
8th April 1936.

Submitted to His Highness.

---

28) I submit herewith a Final Note by the First Member of Council regarding publication of a Bill to remove certain disabilities arising from change of religion or deprivation of caste, in order to elicit opinion for His Highness' gracious approval.

Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Publication of a Bill to remove certain disabilities arising from change of religion or deprivation of caste, in order to elicit opinion.

Order.

a/g) ~~KRW~~
11/4/36

General and Revenue
Secretariat

SUBJECT:-

Publication of a Bill to remove certain disabilities arising from change of religion or deprivation of Caste, in order to elicit opinion

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

30/ Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to ~~Government~~.

Through the Secretary to Government,

..... Department.

7466
14.4.

FIRST MEMBER OF COUNCIL.

16/4

7986
16/4

SECOND MEMBER OF COUNCIL.

16/4

Under Secy (Prohn).

16-4-36

31)

NOTE.—Contn. sheet.

TYPING SECTION.
17. APR. 1936
GENL & REVENUE SECT.

Serial No. 1

To

The Composer, Indy

Notification No. P.6361-D. 21.4.36.

Publishes the bill for general information and invites public opinion

Draft Bill

WHEREAS it is expedient to remove certain disabilities arising from change of religion or deprivation of caste, it is hereb enacted as follows:-

1. (i) This Regulation may be called the Regulation for the removal of Religious and Caste Disabilities.

(ii) It extends to the whole of Mysore.

(iii) It shall come into force at once.

2. No person and no heir or representative c such person shall, merely by reason of his having renounced or being excluded from any Religion or of his being deprived of caste,

(i) be divested of any vested interest to or in property;

(ii) be deprived of any right of inheritance or personal right.

Provided that no person and no heir or representative of such person shall by reason of this enactment be entitled to retain or acquire any property or right or to exercise any right peculiar or only appropriate to the Religion which he has renounced or from which he has been excluded or peculiar or only appropriate to the caste of which he has been deprived.

Illustrations

(a) A is a trustee for an endowment of his religion. Out of that endowment he is entitled to provide for his own residence and maintenance. On being converted to another religion, he will cease to retain his interest in the endowment.

(b) A, a Hindu with vested interest in joint family property, is converted to Christianity. He will, on conversion, retain his interest in that property, but without the incidents peculiar or only appropriate to members of a joint Hindu family.

(c) A, a Hindu, dies intestate, leaving him surviving a legitimate son B, a converted Christian. B will succeed A as heir, not by survivorship as a Hindu co-parcener.

(d) A, a Hindu, dies leaving him surviving a legitimate son B, a converted Christian. A, before his death, has disposed of his property by a valid will. A's property will follow the dispositions of that will.

(e) A, a Musalman, with four legally married wives, is converted to Christianity. A, after his conversion, will not be able to divorce them by ceremonies under the Muhammadan law.

(f) A, a Hindu with Hindu sons, becomes a Mussalman. After conversion, he will not be able to exercise the right of a Hindu father to give one of his Hindu sons in adoption to a Hindu.

(g) A Hindu Brahmin voluntarily renounces his caste rules and becomes an ascetic. He will not be affected by this Regulation.

3. No person and no heir or representative of such person shall, by reason merely of another person having renounced or being excluded from any Religion or being deprived of Caste,

(i) be divested or deprived of any property, right of inheritance or personal right which he would have held had such other person remained in that Religion or Caste;

(ii) be forced to any act or to suffer any act inconsistent with or not appropriate to his own Religion or Caste.

Explanation.- The Religion or Caste of any person shall be presumed to be that in which he was born. A Court shall, till the contrary is shown, presume that it is for the advantage of a minor to remain in the Religion or Caste in which he was born.

Illustrations.

(a) A and B are Hindu full brothers and C their half-brother. A becomes a Christian. B's right of inheritance to A will not be affected by C becoming a Christian.

(b) A, a Hindu, having a share and a right to live in the joint family house, becomes a Christian. He cannot, contrary to the will of the Hindu members of the family, enforce his right to live himself in the joint family house.

(c) A, a Christian man, has a Christian wife B. A becomes a Musalman and marries a second wife by ceremonies under the Muhammadan Law. A will remain liable for the maintenance of B, and B will retain her right to divorce him, if she chooses, according to the law applicable to Christians. But A cannot enforce against her any conjugal rights, nor divorce her, except, for reasons and in the manner allowed by the law applicable to Christians.

(d) A, a Christian man, with minor Christian children, becomes a Musalman. He will remain liable for their maintenance. But he cannot enforce against them any right of guardianship inconsistent with their religion, such as circumcising his minor sons or giving his minor daughters in marriage to Musalmans with ceremonies which subject them to Muhammadan law.

(e) A, son of B, a Hindu, becomes a Christian, and is consequently deprived of Caste. B will have the same right of adoption as he would have held if A had become an out-caste or disqualified son while remaining a Hindu; but the adoption, if made, will not operate to deprive A of property or rights to which A is entitled under Section 2 of this Regulation.

(f) A, son of B, a Hindu, becomes a Christian. After the conversion of A another son C is born to B. C will have the same rights in respect of ancestral property as he would have had if A had remained a Hindu; but the birth of C will no otherwise affect the rights of A under Section 2 of this Regulation.

C. 11/18

STATEMENT OF OBJECTS AND REASONS.

Under the Hindu law a person on conversion to another religion is considered civilly dead and he loses his rights of inheritance in the family to which he belonged. In order to remove this disability, Act XXI of 1850 was passed in British India. ~~Indian Christian converts in Mysore, however, continue to be legally incapable of asserting their rights to property against the Hindu members of the family from which they have separated.~~ The question of introducing legislation in the State on the lines of the British Indian Act, XXI of 1850, has often come up for consideratio

Government feel that the time has come for removing the disability arising from change of religion or deprivation of caste, and the Bill is intended to effect this.

The bill applies to persons who change their religion as well as to those who are deprived of their caste ~~owing to causes other than those resulting from change of religion~~.

The bill while removing all reasonable grievances of the converts leaves unimpaired the reciprocal rights of the members remaining in the religion. It is intended that neithe the convert nor his relations in the religion which he has left should either lose or gain by the conversion or by the loss of caste of one of the members of the family.

Clause 2 of the Bill enacts that no person or heir of such person will be deprived of any vested interest in property or any right of inheritance or personal right by reason of his having renounced or being excluded from any religion or of his being deprived of his caste. This right is subject to the important proviso that the convert shall not acquire or retain or exercise any right which is peculiar or appropriate only to the religion from which he has seceded.

Clause 3 lays down that no person shall be divested or deprived of any property or right of inheritance or personal right by reason merely o another person having renounced his religion or being deprived of caste. ~~It is intended by this provision to secure to those who remain within the fold of the religion from which the convert has seceded, reciprocal rights~~. This clause further provides that no person shall be forced to do any act or to suffer any act inconsistent with or not appropriate to his own religion or caste by reason of another person's conversion or loss of caste. This is intended to protect, among other things, the religious interests of minors.

The following draft of a Bill to remov certain disabilities arising from change of religion or deprivation of caste is published for general information.

All persons interested in the subject are invited to send their opinion to the Chief Secretary to the Government of Mysore within two months from this date.

By Order,

Chief Secretary to Govt.

[Item under Draft Bills]

6/4/36

To

The Compiler, Mysore Gazette for publication and supply of 100 spare copies in English and 100 in Kannada.

SG

NOTIFICATION.

No. P. 6941—Legis. 77-35-1, dated Bangalore, 20th—21st April 1936.

The following draft of a Bill to remove certain disabilities arising from change of religion or deprivation of caste is published for general information.

All persons interested in the subject are invited to send their opinion to the Chief Secretary to the Government of Mysore within two months from this date.

By Order,
A. V. RAMANATHAN,
Chief Secretary to Government.

Draft Bill.

Whereas it is expedient to remove certain disabilities arising from change of religion or deprivation of caste, it is hereby enacted as follows :—

1. (i) This Regulation may be called the Regulation for the removal of Religious and Caste Disabilities.

(ii) It extends to the whole of Mysore.

(iii) It shall come into force at once.

2. No person and no heir or representative of such person shall, merely by reason of his having renounced or being excluded from any religion or of his being deprived of caste,

(i) be divested of any vested interest to or in property ;

(ii) be deprived of any right of inheritance or personal right.

Provided that no person and no heir or representative of such person shall by reason of this enactment be entitled to retain or acquire any property or right or to exercise any right peculiar or only appropriate to the religion which he has renounced or from which he has been excluded or peculiar or only appropriate to the caste of which he has been deprived.

Illustrations.

(*a*) A is a trustee for an endowment of his religion. Out of that endowment he is entitled to provide for his own residence and maintenance. On being converted to another religion, he will cease to retain his interest in the endowment.

(*b*) A, a Hindu with vested interest in joint family property, is converted to Christianity. He will, on conversion, retain his interest in that property, but without the incidents peculiar or only appropriate to members of a joint Hindu family.

(*c*) A, a Hindu, dies intestate, leaving him surviving a legitimate son B, a converted Christian. B will succeed A as heir, not by survivorship as a Hindu co-parcener.

(*d*) A, a Hindu, dies leaving him surviving a legitimate son B, a converted Christian. A, before his death, has disposed of his property by a valid will. A's property will follow the dispositions of that will.

(*e*) A, a Musalman, with four legally married wives, is converted to Christianity. A, after his conversion, will not be able to divorce them by ceremonies under the Mahommedan law.

(*f*) A, a Hindu with Hindu sons, becomes a Mussalman. After conversion, he will not be able to exercise the right of a Hindu father to give one of his Hindu sons in adoption to a Hindu.

(*g*) A Hindu Branmin voluntarily renounces his caste rules and becomes an ascetic. He will not be affected by this Regulation.

2. No person and no heir or representative of such person shall, by reason merely of another person having renounced or being excluded from any religion or being deprived of caste,

(i) be divested or deprived of any property, right of inheritance or personal right which he would have held had such other person remained in that Religion or Caste;

(ii) be forced to any act or to suffer any act inconsistent with or not appropriate to his own Religion or Caste.

Explanation.—The Religion or Caste of any person shall be presumed to be that in which he was born. A Court shall, till the contrary is shown, presume that it is for the advantage of a minor to remain in the Religion or Caste in which he was born.

Illustrations.

(*a*) A and B are Hindu full brothers and C their half brother. A becomes a Christian. B's right of inheritance to A will not be affected by C becoming a Christian.

(*b*) A, a Hindu, having a share and a right to live in the joint family house, becomes a Christian. He cannot, contrary to the will of the Hindu members of the family, enforce his right to live himself in the joint family house.

(*c*) A, a Christian man, has a Christian wife B. A becomes a Mussalman and marries a second wife by ceremonies under the Mahommedan Law. A will remain liable for the maintenance of B, and B will retain her right to divorce him, if she chooses, according to the law applicable to Christians. But A cannot enforce against her any conjugal rights, nor divorce her, except, for reasons and in the manner allowed by the law applicable to Christians.

(*d*) A, a Christian man, with minor Christian children, becomes a Mussalman. He will remain liable for their maintenance. But he cannot enforce against them any right of guardianship inconsistent with their religion, such as circumscising his minor sons or giving his minor daughters in marriage to Mussalmans with ceremonies which subject them to Mahommedan Law.

(*e*) A, son of B, a Hindu, becomes a Christian, and is consequently deprived of caste. B will have the same right of adoption as he would have held if A had become an out-caste or disqualified son while remaining a Hindu; but the adoption, if made, will not operate to deprive A of property or rights to which A is entitled under Section 2 of this Regulation.

(*f*) A, son of B, a Hindu, becomes a Christian. After the conversion of A, another son C is born to B. C will have the same rights in respect of ancestral property as he would have had if A had remained a Hindu; but the birth of C will not otherwise affect the rights of A under Section 2 of this Regulation.

Printed by the Superintendent at the Government Press, Bangalore.

Copy

6000/8331

Legis. 77-35-2

Letter dated 3-5-1938 from 2nd
V. Laxmi Narayanappa, Advte, & the Chief
Secretary to Govt

(A) Legis 8-38-1
page 3012
correspondence

Herewith please find enclosed
my note regarding the bill published
in the Gazette concerning the Caste
disabilities

Please acknowledge receipt of the
letter and oblige

With regards

24/3/38.